

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Owen H. Brown and David N. Joseph

Title : Selective Escrow Using Electronic Funds Transfer

Patent No. : 7,801,813 **Serial No.** : 10/775,751

Issued : Sep. 21, 2010 **Filed** : Feb. 9, 2004

Confirmation No. : 8687

Group Art Unit : 3691

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 15, 2010

Request for Certificate of Correction Due to Office Error
Pursuant to 37 CFR 1.322

To the Commissioner:

The above-referenced patent issued on September 21, 2010. Claim 1 of the patent issued with a typographical error in line 40, of column 9. The term "non-debit" should have read "debit". The requested correction is shown below:

1. A computer-implemented method for impounding escrow funds by an electronic funds processor (EFP) in a computer system from credit or debit card transactions of a merchant associated with a closeout period, the method comprising the steps of:

determining a first sales amount in the computer system EFP associated with one or more non-credit or non-debit card transactions of the merchant during the closeout period;

determining a second sales amount in the computer system EFP associated with one or more credit or debit card transactions of the merchant during the closeout period;

determining an escrow amount in the computer system EFP based on the first sales amount, wherein the escrow amount is determined as one of:

(1) a predetermined percentage of one or more of the first and second sales amounts, and

(2) a sum of a predetermined percentage of at least one of the first and second sales amounts,

and wherein said predetermined percentage comprises:

(1) a merchant tax rate, and

(2) an estimate for generating escrow funds sufficient to pay a predetermined sum from the one or more of the first and second sales amounts over a predetermined number of sales periods;

determining in the computer system EFP whether the second sales amount exceeds the escrow amount;

crediting an escrow account with the escrow amount in the computer system EFP when the second sales amount exceeds the escrow amount;

crediting a merchant account with an amount equal to the difference between the second sales amount and the escrow amount;

determining a payable amount to be paid from the escrow account; and

debiting the payable amount from the escrow account,

wherein the payable amount is debited for payment to one or more of a local tax authority, a state tax authority, a federal tax authority, a judicial authority, a recipient of a legal judgment and a merchant.

The correction of this patent is required as a result of an Office error. A review of the file history shows that in the applicant's amendment dated February 3, 2010 this language in claim 1 was amended from

"...determining a second sales amount in the computer system EFP associated with one or more **credit/debit card** transactions of the merchant during the closeout period ..." [emphasis added]

to

"determining a second sales amount in the computer system EFP associated with one or more **credit or debit card** transactions of the merchant during the closeout period ..." [emphasis added].

In the Examiner's amendment mailed August 4, 2010, the Examiner mistyped this language to read:

"... determining a second sales amount in the computer system EFP associated with one or more **credit or non-debit card** transactions of the merchant during the closeout period ..." [emphasis added].

However, this was not part of the amendments made by the Examiner. Had this been an amendment, it would have been shown in amendment form (added language underlined and deleted language shown in double brackets) as were the actual amendments made to the claims.

In view of the foregoing, it is respectfully requested that a Certificate of Correction be issued to correct the language in Claim 1 as discussed above.

Enclosed herewith is a completed form PTO/SB/44 for issuance of a Certificate of Correction.

As the error was due to an Office error, it is believed that no fee is due with this request for a Certificate of Correction. However, if any fee is due with this request, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-1290.

Please direct any inquiries regarding this request to the applicant's undersigned attorney who may be reached directly by telephone at (212)940-8683.

Respectfully submitted,

/Linda S. Chan/
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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PATENT NO. : 7,801,813

APPLICATION NO.: 10/775,751

ISSUE DATE : Sep. 21, 2010

INVENTOR(S) : Owen H. Brown and David N. Joseph

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In line 40 of column 9, claim 1 should be corrected to change "non-debit" to "debit", such that claim 1 reads as follows:

1. A computer-implemented method for impounding escrow funds by an electronic funds processor (EFP) in a computer system from credit or debit card transactions of a merchant associated with a closeout period, the method comprising the steps of:

determining a first sales amount in the computer system EFP associated with one or more non-credit or non-debit card transactions of the merchant during the closeout period;

determining a second sales amount in the computer system EFP associated with one or more credit or debit card transactions of the merchant during the closeout period;

determining an escrow amount in the computer system EFP based on the first sales amount, wherein the escrow amount is determined as one of:

(1) a predetermined percentage of one or more of the first and second sales amounts, and

(2) a sum of a predetermined percentage of at least one of the first and second sales amounts, and wherein said predetermined percentage comprises:

(1) a merchant tax rate, and

(2) an estimate for generating escrow funds sufficient to pay a predetermined sum from the one or more of the first and second sales amounts over a predetermined number of sales periods; determining in the computer system EFP whether the second sales amount exceeds the escrow amount;

crediting an escrow account with the escrow amount in the computer system EFP when the second sales amount exceeds the escrow amount;

crediting a merchant account with an amount equal to the difference between the second sales amount and the escrow amount;

determining a payable amount to be paid from the escrow account; and

debiting the payable amount from the escrow account,

wherein the payable amount is debited for payment to one or more of a local tax authority, a state tax authority, a federal tax authority, a judicial authority, a recipient of a legal judgment and a merchant.

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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**